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Examiner Name	PARDO, Thuy N.
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Serial No.: 09/802,398
Invention: METHOD AND SYSTEM FOR SUPPLY CHAIN PRODUCT
AND PROCESS DEVELOPMENT COLLABORATION
Our Docket No.: P00509-US-01 (04690.0007)

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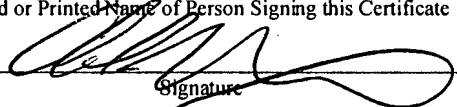


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RE: Application of: SCOTT, Steve T., et al.
Serial No.: 09/802,398
Filed: March 9, 2001
Invention: METHOD AND SYSTEM FOR SUPPLY CHAIN
PRODUCT AND PROCESS DEVELOPMENT
COLLABORATION
Art Unit: 2165
Examiner: PARDO, Thuy N.
Confirmation No.: 7547
Our Docket: P00509-US-01 (04690.0007)

**APPELLANT'S BRIEF IN SUPPORT OF APPEAL FROM FINAL REJECTION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

The Appellant has appealed to the Board of Patent Appeals and Interferences (the "Board") from the decision of Examiner Thuy N. Pardo (the "Examiner") dated December 12, 2006, finally rejecting claims 1-9, 11, 13-18, and 24-29 of U.S. Patent Application Serial No. 09/802,398 (the "Application"). The Appellant filed a Notice of Appeal with the U.S. Patent and Trademark Office ("USPTO") on June 12, 2007. The Appellant respectfully submits this brief on appeal with the statutory fee of \$500.00. In the event Appellant has inadvertently overlooked

particular type (as noted in the "Field Type" column), with descriptions (as noted in the "Description" column) for each identifier. For example, "APPHeaderID" is a "Long" identifier that describes the "APP Data Series Identifier," and "TimePeriod" is a "Date/Time" identifier that describes the "Time period number."

As described above, a "methodology", according to the disclosures in the Application, (a) governs a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. The Aggregate Production Plan of *Huang* does not disclose, teach, or suggest *any* type of methodology to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications by the use of methodology templates on projects. In addition, the Aggregate Production Plan of *Huang*, as described above, neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. As such, the Aggregate Production Plan of *Huang* is not a project methodology template in accordance with the Application, and accordingly, there is no teaching in the Aggregate Production Plan of *Huang* to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

In summary, the Field Identifier/Field Type/Description charts of the Aggregate Production Plan of *Huang* simply do not rise to the level of a "methodology " or a "methodology template" of the claimed invention in the Application. Accordingly, the Aggregate Production Plan of *Huang* does not disclose, teach, or suggest "data representative of the at least one methodology of the project" as claimed in claim 1 of the Application. Claim 1 is patentable, and

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the need for an additional payment of a fee which may be required, Appellant conditionally petitions therefor, and authorizes any fee deficiency to be charged or any overpayment to be credited to deposit account 09-0007. When doing so, please reference the above-listed docket number.

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REAL PARTY IN INTEREST

Inventors SCOTT, Steve T., KIVETT, William A., BURDICK, Robert A., FUNK, Dwight E., JACKSON, Kevin R., MCCAULEY, David, RUSELINK, Rebecca, BROWN, Jason, and JONES, Kyle assigned their invention to Powerway, Inc., an Indiana corporation having a present address of 429 N. Pennsylvania Street, Suite 400, Indianapolis, Indiana 46204. This assignment was recorded with the USPTO on June 22, 2001 at Reel/Frame No. 011930/0806. Powerway, Inc., shall be referred to herein as the "Appellant."

RELATED APPEALS AND INTERFERENCES

The Appellant and its legal representative are presently unaware of any appeal or interference which will directly affect, be directly affected by, or have a bearing on the Board.

STATUS OF CLAIMS

Claims 1-9, 11, 13-18, and 24-29 have been rejected under 35 U.S.C. § 102(e) pursuant to a final Office Action dated December 12, 2006 (the "Office Action"). Claims 1-9, 11, 13-18, and 24-29 are presented for appeal. Claims 10, 12, and 19-23 have previously been cancelled. A copy of the presented claims is provided in the "Claims Appendix" in section VI herein.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

Regarding the appeal brief disclosures required under 37 C.F.R. § 41.37(c)(1)(v), Appellant offers the following concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

The Application discloses a system and method for supply chain product and process development collaboration. A key aspect of the disclosed system is the management of the *quality* of the parts produced from a given set of specifications. Another important aspect of present disclosure are the "methodologies" imposed by those involved with a supply chain as pertaining to overall *quality*.

The Application generally describes a "methodology" as "govern[ing] the project to ensure that the correct process(es) is (are) followed to establish the manufacturing capability to reliably produce parts of a given quality to a given set of specifications." *Application*, paragraph 0241. "Methodologies are key to ensuring that the proper part and a part of appropriate quality are produced." *Application*, paragraph 0151. As generally described in the Application, the term "methodology" is defined as the phases/milestones ("quality gates") for a project that are required to be completed and the deliverables, tasks, data, required documents, supporting documents, events, and/or any other material that needs to be supplied at those quality gates. *Application*, paragraphs 0151, 0241, 0250, and 0251.

The Application further describes "methodologies" as being "templates created by the quality director and used on projects." *Application*, paragraph 0241. The "methodology template" is explained as "describ[ing] the phases or milestones (quality gates) required of a project and the document deliverables that are expected at those quality gates." *Application*,

paragraph 0151. In addition, "by applying a methodology to a project, the part is designed, developed, tested, manufactured, etc. in compliance with the methodology(ies) applied to the project." *Id.* The system of the present Application "provides industry-specific process management so customers and suppliers can work together as virtual enterprises, enabling these tenants to deliver quality products while reducing costs and increasing profits." *Application*, paragraph 0223.

In at least one embodiment of the system disclosed within the present Application, the system includes a processor and a project data storing and retrieving means operably connected to the processor. *Application*, paragraph 0152. The project data stored includes, for each project of the supply chain, a project identifier, a supplier identifier, a customer identifier, data representative of at least one methodology applicable to the project, and data representative of at least one control (quality gate) associated with processing of the project. *Id.* A user of such a system may be operably connected to the processor for selective retrieval of project data. *Id.* The system may also involve use of telecommunications technology, such as the Internet, for connection of one or more user systems to the processor of the management system. *Id.*

Fig. 8 of the Application provides a diagrammatic view of the information flow between a supplier and a customer for product and process design according to at least one embodiment of the disclosure of the Application. For both the supplier and customer, the personnel involved in design engineering, *quality*, and process engineering are involved in the collaboration between the supplier and the customer. The purchasing department of the customer is also involved for placement of orders from the supplier. For product and process designs, the personnel of

supplier submit documents to the customer. The customer's personnel review and either approve or disapprove such documents.

Importantly, both referenced in the aforementioned figure and throughout the remainder of the Application, the aspect of *quality* has an important role within the disclosed system of the present Application.

In addition to the foregoing, specific reference is made to claim 1, which claims a "system for management of at least one project." As claimed in claim 1, each project comprises a part, a supplier of the part, a customer to be supplied the part, a methodology applicable to the project, and a control associated with the processing of the project. As discussed within paragraph 0150 of the Application, "[a] project is the combination of a part (or family of parts), a supplier to supply the part, and a customer to be supplied (e.g., purchase) the part." Furthermore, a control is referred to within the Application as a "quality gate," noting further that "[a] methodology template describes the phases or milestones (quality gates) and goals (document deliverables, tasks, data, etc.) that are expected at those quality gates. *Application*, paragraphs 0152 and 0241.

A number of "identifiers" are also present within claim 1, including a project identifier, a project part identifier, a project supplier identifier, and a project customer identifier. Such identifiers have support within the Application at paragraphs 0152 and 0154, noting that "[f]or a project, a project record is created and stored, with that project record containing identifiers for the project, the part, the supplier, and the customer, and including an indicator of which requirement(s) is (are) applicable to the part of the project."

The aforementioned comments pertaining to claim 1 above also pertain to the remainder of the independent claims, as applicable, within the Application.

Independent claim 11 claims a method of supply chain management, comprising a number of the same or similar features as disclosed above regarding claim 1. This claimed method claims the step of "creating and storing, in a computerized system, at least one requirement ...", and for each requirement, "at least one measurement criterion indicative that the requirement has been satisfied." Such a requirement may be a document deliverable, noting further that customer component 263 of design model 260 addresses such requirements above those of the applicable industry, and supplier component 264 of design model 260 deals with specific requirements for suppliers. *Application*, paragraphs 0154, 0199, and 200. In addition, the method also comprises the step of "monitoring the computerized system for entry of data by the supplier...", noting that "[w]hen entered data is detected, it is evaluated for relevance to the at least one requirement associated with the project" and "[i]f the entered data is relevant to the at least one requirements, the entered data is further examined to determine whether the measurement criteria for the applicable requirement is met. *Application*, paragraph 0154.

Independent claim 24, in addition to the inclusion of some of the same or similar elements as disclosed above, claims a supply chain management system comprising "data storage and retrieval means" (as described below) including a project record (as described above regarding claim 1) and a sub-project record. The claimed sub-project record is representative of a sub-project to the project and comprises a sub-part, a sub-project supplier to supply the sub-part, and a sub-project customer to be supplied the sub-part. Stored on the data storage device are a project record and a sub-project record. Paragraph 0161 of the Application describes this

further, noting that "[t]he system also includes data representative of at least one methodology imposed on the project and/or sub-project", and also includes "an evaluation subsystem operable by the processor for evaluating the project/sub-project in view of the applicable methodology."

Regarding the appeal brief disclosures required under 37 C.F.R. § 41.37(c)(1)(v), Appellant offers the following references within the Application to support its means plus function claim elements.

Claim 1 claims "[a] system for management of at least one project", further claiming a "means for processing project data." An example of said means for processing project data is a "processor" as described in paragraph 0152 of the Application. Claim 1 also claims a "means for storing and retrieving project data", with examples of said means claimed in claim 2 ("wherein the project data storing and retrieving means comprises memory") and claim 3 ("wherein the project data storing and retrieving means comprises a data storage device"). Support for the exemplary "means for storing and retrieving project data" is provided in the Application at paragraph 0152 ("[t]he data storage and retrieval means may comprise memory and/or a hard drive...").

Claim 13 claims a supply chain management system, comprising in part a "means for controlling the progress of the at least one project", noting further that said means is "operably connected to the first database and the second database" described in claim 13, and that "the controlling means using the indicated methodology(ies) of the project for such control to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications." Support for said means for controlling the progress of

the at least one project may be found at paragraph 0153 of the Application, namely "means for monitoring and controlling the progression of a project through its quality gate(s)", noting further that "[s]uch monitoring and controlling means ascertains whether the applicable methodology(ies) is (are) complete and stores and indicator of complete or incomplete, accordingly." Additional support is found at paragraph 0156 of the Application, namely that such a disclosed system may also include "a means for controlling the progress of the project using the indicated applicable methodology(ies)." In addition to the foregoing, and as described within the Application at paragraph 0353, a "measure" is "a data element that helps a tenant measure project progress." A "measure" is one of a number of components of the system that drive the overall scoring process, such other components including "an actual performance goal," a "risk goal," and a "performance indicator" among others. *Application*, paragraph 0352. Such measures "are usually indicative of performance or risk" within system **200**. *Application*, paragraph 0353.

Claim 14 claims a system comprising in part a "collaborating means for data entry and retrieval", with such collaborating means occurring "by a team member of each of the project suppliers and a team member of each of the project customers represented in the second database." Support for said collaborating means for data entry and retrieval may be found at paragraph 0157 of the Application, namely "collaborating means for data entry and retrieval by each of the suppliers and customers of the supply chain projects." A concise description of such collaboration is also provided within paragraph 0158 of the Application:

The system of the present invention utilizes the concept of team members. Team members for a project are those individuals from the project supplier and project customer who have a need to collaborate regarding the project. Thus, team members include, but are not limited to, those users assigned the roles of Project

Manager, Design Engineer, Quality Engineer, etc. for both the supplier and customer.

Claim 15 claims a system comprising in part a "means for establishing at least one task for at least one project", further noting that "such task is to be completed by a team member of the project supplier or the project customer." Support for said means for establishing at least one task for at least one project may be found at paragraph 0157 of the Application, namely "means for establishing one or more tasks (work assignments) for a supplier or customer." In addition, Fig. 42 shows a screen printout of one embodiment of a message center of the present system including a message center sidebar **521** with a "tasks" selector **522**. Paragraph 0243 of the Application states that "[t]he Message Center provides collaboration vehicles for users," and in the embodiment described therein, "those collaboration tools include tasks, notifications, meetings, and bulletin boards." As referenced in paragraph 0445 of the Application, "[t]asks for a project can be created by the Project Manager for a project," and "[o]nce the task is created, it is sent the corresponding user through the task list." Tasks are also referenced in tasks section **332** in the screen printout of one embodiment of a home page of the system of the present disclosure. *Application*, Fig. 10 and paragraph 0252.

Claim 16 claims a system comprising in part a "means for generating at least one notification related to the at least one task", noting that such a notification is "made available to a team member of the project supplier or project supplier who is to complete the task." As discussed in paragraph 0252 of the Application, "[n]otifications are issues or notices, such a meeting invitations, role designations, and project updates," noting further in paragraph 0446 that "[a] notification is a system-generated alert to certain transactions in system **200**." Support for said means for generating at least one notification related to the at least one task may be found at

paragraph 0157 of the Application, namely "notification generating means to inform a user of his/her tasks, meeting, etc. requiring that user's attention based on the aggregation of roles on multiple projects to which the user is assigned." In addition, and as referenced above for claim 15, an embodiment of a message center page (shown in Fig. 42) comprises a message center sidebar **521**, and with reference to claim 16, the message center sidebar **521** also comprises a "notifications" selector **523**. *Application*, Fig. 42 and paragraphs 0445 and 0446. Once a task has been completed, a notification "is sent back to the user who initiated the task," noting further that "[n]otifications may or may not require an acknowledgement from the user." *Id.* Notifications are also referenced in notifications section **334** in the screen printout of one embodiment of a home page of the system of the present disclosure. *Application*, Fig. 10 and paragraph 0252.

Claim 18 claims a system comprising in part a "means for setting up at least one meeting", with such a meeting being "between a team member of the project supplier and a team member of the project customer of at least one of the at least one projects." Support for said means for setting up at least one meeting may be found at paragraph 0157 of the Application, namely "means for setting up a meeting between team members associated with a project." As described above regarding claims 15 and 16, an embodiment of a message center page (shown in Fig. 42) comprises a message center sidebar **521**, and with reference to claim 18, the message center sidebar **521** also comprises a "meetings" selector **524**. *Application*, Fig. 42 and paragraphs 0445 and 0447. According to paragraph 0047 of the Application, "[i]f the user selects "meetings" selector **524** of message center sidebar **521**, displayed is information about the meetings pertinent to the user (either as an invitee or as the creator of the meeting) across all

projects in which that user is a team member." Meetings are also referenced in meeting list window **416** in the screen printout of one embodiment of a project meeting page **415** of the system of the present disclosure. *Application*, Fig. 22 and paragraph 0328.

Claim 24 claims a supply chain management system comprising in part "processing means" and "data storage and retrieval means", with the processing means and the data storage and retrieval means operably connected to one another. Support for this claimed element may be found at paragraph 0161 of the Application, namely that "the supply chain management system includes a processor and a data storage device operably connected to the processor." The "processing means" as claimed operates an evaluation subsystem "for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology," further claiming that the processing means is "to compare data entered by a user to the methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications." As noted above in reference to claim 1, an example of said processing means is a "processor" as described in paragraph 0152 of the Application. The "data storage and retrieval means" claimed in claim 24 also includes "a project record representative of a project of the supply chain." Support for this claim element may be found in the Application at paragraph 0161, namely that the system "also includes data representative of at least one methodology imposed on the project and/or sub-project." In addition, and as referenced above pertaining to claim 1, support for a "data storage and retrieval means" is provided in the Application at paragraph 0152 ("[t]he data storage and retrieval means may comprise memory and/or a hard drive...").

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether the Examiner erred in rejecting claims 1-9, 11, 13-18, and 24-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,953,707 to Huang et al. ("*Huang*").
2. Whether the Examiner erred in considering the teaching cited by the Examiner as sufficient prior art under 35 U.S.C. § 102(e).

ARGUMENT

I. THE REJECTION OF CLAIMS 1-9, 11, 13-18, and 24-29 UNDER 35 U.S.C. § 102(E) IS IMPROPER AND SHOULD BE WITHDRAWN.

A. OVERVIEW

Claims 1-9, 11, 13-18, and 24-29 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Huang*. As discussed in detail below, *Huang* does not disclose each and every limitation of Appellant's invention. Therefore, Appellant's invention is patentable over *Huang*. A copy of *Huang* is provided in Appendix VII.

B. STANDARD

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 *only if* every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Anticipation is only shown where *each and every limitation* of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). A rejection under 35 U.S.C. § 102(e) can be overcome by showing that the claims are patentably distinguishable from the prior art. MPEP § 706.02(b).

C. THE HUANG REFERENCE

Huang discloses a decision support system that allows decision makers to view a supply chain from their own perspective, obtain information, and evaluate decisions made related to the system for forecasting and planning purposes. *Huang*, col. 1, ll. 19-27. The disclosures within

Huang focus solely on **quantity** (supply volume) and not **quality** as disclosed within the present Application.

The decision support system of *Huang* requires "a model engine comprising modeling processes configured to analyze the supply chain" in such a manner as to provide support for major decision-making areas in a supply chain. *Huang*, col. 38, ll. 29-43; col. 223, ll. 8-9; col. 224, ll. 30-32. As indicated throughout *Huang*, these modeling processes relate to the gathering of information about the supply chain and the evaluation of such information. For example, *Huang* discloses a Market Data Analysis Module that contains quantitative models and computational routines to compile and synthesize market information. *Huang*, col. 39, ll. 29-39. This market information compilation is then used to analyze relevant industry data from various sources and provide a quantitative analysis of sales. *Huang*, col. 39, ll. 37-39.

In addition to the foregoing, and also as applicable to the other arguments provided herein, *Huang* merely focuses on supply chain management pertaining to **quantity** (supply volume) and not **quality** as taught by the present Application. Appellant submits that the word "quality" is used *once* within the one hundred and seventy-one (171) page *Huang* patent, specifically in reference to the quality of the collateral "forecasts" and "customer projections" (col. 19, l. 6 of *Huang*) and not pertaining to any aspect of the actual systems disclosed within or claimed by *Huang*. Conversely, the word "quality" is referenced well over one hundred (100) times within the present Application, and has specific reference within the definition of "methodology" as discussed herein (to "describe specific quality gates and the deliverables expected at those quality gates"). In short, *Huang* deals with a system that ensures **quantity**, *i.e.* matches production with sales. Appellant's invention is patently different. Appellant's invention

ensures quality standards are met and is not concerned with matching production quantities with sales.

II. THE REJECTION OF CLAIMS 1, 13, AND 24 UNDER 35 U.S.C. § 102(E) IS IMPROPER AND SHOULD BE WITHDRAWN.

A. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY" AS CLAIMED IN CLAIMS 1, 13, AND 24.

In the Office Action, claims 1-9, 11, 13-18, and 24-29 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Huang*. *Huang* does not disclose, teach, or suggest a "methodology" as claimed in Appellant's claims 1, 13, and 24.

Claims 1 and 13 of the Application claim "at least one methodology," and claim 24 claims "a methodology." The Application generally describes a "methodology" as "govern[ing] the project to ensure that the correct process(es) is (are) followed to establish the manufacturing capability to reliably produce parts of a given quality to a given set of specifications." *Application*, paragraph 0241. The Application further describes "methodologies" as being "templates created by the quality director and used on projects." *Id.* The "methodology template" is explained as "describ[ing] the phases or milestones (quality gates) required of a project and the document deliverables that are expected at those quality gates." *Application*, paragraph 0151. In addition, "by applying a methodology to a project, the part is designed, developed, tested, manufactured etc. in compliance with the methodology(ies) applied to the project." *Id.*

In summary, the aforementioned descriptions demonstrate, at a minimum, that a "methodology" (a) governs a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on

projects that (c) describe specific quality gates and the deliverables expected at those quality gates. A claim term may be defined in a particular manner for purposes of a patent even "without an explicit statement of redefinition." *Bell Atl. Network Servs., Inc. v. Covad Commc'ns Group, Inc.*, 262 F.3d 1258, 1268 (Fed. Cir. 2001). When a patentee defines a claim term, the patentee's definition governs, even if it is contrary to the conventional meaning of the term. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1321 (Fed. Cir. 2005) (*en banc*). Appellant has clearly set out a minimum scope of the term "methodology" as described and claimed within the Application.

On October 6, 2006, counsel for Appellant had a teleconference with the Examiner regarding, in part, the differences between the claims of the Application and the disclosure of *Huang*. Regarding the then-present anticipation claim rejection, the Examiner recommended that Appellant should clarify the use of the term "methodology" as it pertains to the claims and as it is referenced within the specification. While no formal agreement regarding patentability was reached, the Examiner requested that Appellant submit its arguments in writing for further consideration.

In response to the Examiner's request, Appellant prepared and filed a Request for Continued Examination ("RCE") on October 16, 2006. In the RCE, Appellant amended claims 1, 13, and 24 to further clarify the use of the term "methodology" within those claims. As is discussed herein, the references within *Huang* do not disclose, teach, or suggest the clarification provided by the Appellant within amended claims 1, 13, and 24.

In the Office Action, the Examiner directed the Appellant to the following references in *Huang* for allegedly teaching a "methodology" of the claimed invention: (1) Aggregate

Production Plan, col. 113-114, (2) DSS frame decisions from systems integrator, Fig. 37, (3) supply chain network configurator, Fig. 38 and col. 92, l. 27 to col. 93, l. 61, and (4) evaluation of decision alternatives, col. 97, l. 2 to col. 98, l. 3, and Figs. 41-42. *Office Action*, pp. 4 and 6. None of these references within *Huang* (or any other reference within *Huang*) disclose, teach, or suggest a "methodology" as claimed by Appellant in claims 1, 13, and 24.

B. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY APPLICABLE TO THE PROJECT" AS CLAIMED IN CLAIMS 1, 13, AND 24.

1. THE "AGGREGATE PRODUCTION PLAN" OF HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY APPLICABLE TO THE PROJECT" AS CLAIMED IN CLAIM 1.

In the Office Action, the Examiner referred the Appellant to the Aggregate Production Plan (col. 113-114 of *Huang*) to support an argument that *Huang* teaches "data representative of the at least one *methodology* of the project" (emphasis added) as claimed in claim 1 of the Application. *Office Action*, p. 4. Appellant disagrees with the Examiner for at least the reason that the aggregate production plan in *Huang* does not "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Appellant's explanation of a "methodology" as supported by the Application (element (c), as noted in VII(A)(1) above). At a minimum, for instance, *Huang* fails to teach "a means for storing and retrieving the project data" including "data representative" of a "methodology applicable to the project" as claimed in claim 1 of the Application.

The Aggregate Product Plan of *Huang* as disclosed in col. 113-114 contains two (2) sets (charts) of information, both including the headings "Field Identifier", "Field Type", and "Description." The "Field Identifier" column contains a number of different identifiers of a

the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by *Huang* should be withdrawn.

2. THE "DSS FRAME DECISIONS FROM SYSTEMS INTEGRATOR" AND THE "SUPPLY CHAIN NETWORK CONFIGURATOR" OF HUANG DO NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY APPLICABLE TO THE PROJECT" AS CLAIMED IN CLAIM 13.

In the Office Action, the Examiner referred the Appellant to the DSS frame decisions from systems integrator (Fig. 37 of *Huang*) to support an argument that *Huang* teaches "a first database comprising data representative of at least one *methodology* applicable to the project" (emphasis added) as claimed in claim 13 of the Application. *Office Action*, p. 4. Additionally, the Examiner referred the Appellant to the supply chain network configurator (Fig. 38 and col. 92, l. 27 to col. 93, l. 61 of *Huang*) to support an argument that *Huang* teaches "the controlling means using the indicated *methodology(ies)* of the project for such control" (emphasis added) as claimed in claim 13 of the Application. *Id.* Appellant disagrees with the Examiner for at least the reason that neither the DSS frame decisions from systems integrator nor the supply chain network configurator in *Huang* "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Appellant's explanation of a "methodology" as supported by the Application (element (c)).

The DSS frame decisions from systems integrator of *Huang* as disclosed in Fig. 37 contains three (3) sections of information including the headings "DSS FRAME DECISIONS FROM SYSTEMS INTEGRATOR", "NETWORK SIMULATOR", and "OUTPUT MEASURES", all of which are connected in sequence (by arrows on Fig. 37 of *Huang*). The

content of the three (3) sections include acronyms, decisions, supplier and customer interactivity (within the "NETWORK SIMULATOR"), and a list of output measures.

The supply chain network configurator of *Huang* as disclosed in Fig. 38 contains seven (7) nodes or sections including "COMPONENT NODE", "PRODUCTION NODE", "INVENTORY NODE", "DEMAND NODE", "LINK INFORMATION", "SUPPLY CHAIN NETWORK", and "TRANSPORTATION FACTORS", all of which are connected to the central "SUPPLY CHAIN NETWORK CONFIGURATOR" by arrows on Fig. 38 of *Huang*. The Examiner also cites col. 92, l. 27, to col. 93, l. 61 of *Huang* (the "Scenario Management" and "Performance monitoring using simulation" sections) in support of the Examiner's allegation that *Huang* teaches "the controlling means using the indicated methodology(ies) of the project for such control" as claimed in Appellant's claim 1. *Office Action*, p. 4.

As described above, a "methodology", according to the disclosures in the Application, (a) governs a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. The DSS frame decisions from systems integrator of *Huang* neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. The DSS frame decisions from systems integrator of *Huang* also does not disclose, teach, or suggest *any* type of methodology to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications by the use of methodology templates on projects. None of the three (3) sections of information in the DSS frame decisions from systems integrator of *Huang* describe any specific measures of quality, and similarly, none of the three (3) sections, including

the "OUTPUT MEASURES" section, describe or disclose a single deliverable whatsoever. The DSS frame decisions from systems integrator of *Huang* is clearly labeled as including decisions and output measures, and explicitly does not include the aforementioned "methodology" element. Further, the DSS frame decisions from systems integrator of *Huang* would not be considered as a project methodology template in accordance with the Application because no methodology information is included in *Huang*. Accordingly, there is no teaching in the DSS frame decisions of *Huang* to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

Similarly, the supply chain network configurator of *Huang*, as described above, neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. The supply chain network configurator of *Huang* does not disclose, teach, or suggest *any* type of methodology to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications by the use of methodology templates on projects. None of the nodes or sections of information pointing to the central "SUPPLY CHAIN NETWORK CONFIGURATOR" in the supply chain network configurator (Fig. 38) of *Huang* describe any specific measures of quality, and none of those sections describe or disclose a single deliverable whatsoever. Those seven sections are "NODES", "LINK INFORMATION", "SUPPLY CHAIN NETWORK", and "TRANSPORTATION FACTORS" for the central "SUPPLY CHAIN NETWORK CONFIGURATOR", none of which can be considered as a "methodology" of the claimed invention. Rather, these sections are dealing with various supply chain factors necessary to produce finished products to meet product demand.

Moreover, the supply chain network configurator of *Huang* would not be considered as a project methodology template in accordance with the Application because no methodology information is included in *Huang*. Accordingly, there is no teaching in the supply chain network configurator of *Huang* to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

The "Scenario Management" and "Performance monitoring using simulation" sections of *Huang*, as referenced by the Examiner, similarly fail to disclose a "methodology" of the claimed invention. Those sections merely disclose details on particular "scenarios" and "monitoring" of the performance in the disclosed DSS architecture, respectively. Neither disclose any of the aforementioned elements of a "methodology" of the claimed invention, which are, at a minimum, required for a "methodology" in accordance with the Application.

In summary, the "DSS FRAME DECISIONS FROM SYSTEMS INTEGRATOR", "NETWORK SIMULATOR", and "OUTPUT MEASURES" of the DSS frame decisions from systems integrator of *Huang* simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. Similarly, the components of the supply chain network configurator of *Huang* simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. In addition, the disclosed "Scenario Management" and "Performance monitoring using simulation" sections of *Huang* fail to disclose, teach, or suggest a "methodology" of the claimed invention. Accordingly, these disclosures of *Huang* also do not disclose, teach, or suggest a "data representative of at least one methodology applicable to the project" as claimed in claim 13 of the Application. Thus, claim 13 is

patentable, and the rejection of claim 13 under 35 U.S.C. § 102(e) as being anticipated by *Huang* should be withdrawn.

3. THE "EVALUATION OF DECISION ALTERNATIVES" OF HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY APPLICABLE TO THE PROJECT" AS CLAIMED IN CLAIM 24.

In the Office Action, the Examiner referred the Appellant to the evaluation of decision alternatives (col. 97, l. 2 to col. 98, l. 3, and Figs. 41-42 of *Huang*) to support an argument that *Huang* teaches "an evaluation [sub]system operable by the processing means for evaluating the project in view of the project *methodology*, and for evaluating the sub-project in view of the sub-project *methodology*" (emphasis added) as claimed in claim 24 of the Application. *Office Action*, p. 6. Appellant disagrees with the Examiner for at least the reason that the evaluation of decision alternatives in *Huang* do not disclose, teach, or suggest an "evaluation subsystem" as claimed in claim 24, and the decision alternatives do not "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Appellant's explanation of a "methodology" as supported by the Application (claim 24, element (c)).

Fig. 41 of *Huang* discloses a "supply chain simulation model [that] primarily mimics the material and information flow controlled by the frame decisions along the supply chain." *Huang*, col. 95, ll. 11-13. The "inputs" required are "the decisions that will effect the total performance of the supply chain" (*Huang*, col. 95, ll. 29-30), and the "outputs" are "based on the performance assessment plan of the DSS" and include items such as "On-time delivery rate, Component inventory levels, Order cycle time," and the like (*i.e.*, the various factors and materials necessary to produce finished products to meet sales). *Huang*, col. 95, ll. 41-45. Fig. 42 of *Huang* discloses a partial flowchart, including the review of data and information, posing a

problem, the examination of input by DSS, a decision to be made regarding consistency, DSS output, a question regarding the satisfaction of results, and if yes, the end of the session.

However, neither Fig. 41 nor Fig. 42 of *Huang* disclose, teach, or suggest "an evaluation subsystem operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology" as claimed in claim 24. *Huang* discloses "users reviewing 402 the initial conditions and default values related to a decision problem retrieved from the DSS Database" and the communications of the users regarding their "preferences through proper selection of options, specification of parameters and values, and choice of analysis routines" that are then examined by the DSS Database." *Huang*, col. 97, ll. 31-39. This process (described in *Huang* regarding Fig. 42), at best, is a user review of one level of data (top portion of Fig. 42), and as such, cannot be "an evaluation subsystem...for evaluating *the project* in view of the project methodology, and for evaluating *the sub-project* in view of the subproject methodology" (emphasis added) as claimed in claim 24, which clearly demonstrates evaluations of at least two (2) specific levels (project level and sub-project level). Accordingly, Figs. 41 and 42 of *Huang* fail to teach, disclose, or suggest such a multi-level evaluation subsystem as claimed in claim 24.

In addition, and as described above, a "methodology", according to the disclosures in the Application, (a) governs a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. The evaluation of decision alternatives of *Huang* as described above does not describe *any* quality gates and does not describe *any* deliverables expected at those quality gates. Fig. 41

of *Huang* does disclose sections titled "DEFINE PERFORMANCE MEASURE" and "'WHAT-IF" SCENARIO TEST", and Fig. 42 of *Huang* discloses the examination of input by DSS as well as "DSS OUTPUT". However, none of these sections, nor any other section of *Huang*, describe any specific measures of quality, and none of those sections describe or disclose a single deliverable whatsoever.

Moreover, the evaluation of decision alternatives of *Huang* does not disclose, teach, or suggest *any* type of methodology to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications by the use of methodology templates on projects. Accordingly, none of those sections would be considered as a "methodology" of the claimed invention. In addition, the evaluation of decision alternatives of *Huang* would not be considered as a project methodology template in accordance with the Application (because no methodology information is included in *Huang*), and accordingly, there is no teaching in the evaluation of decision alternatives of *Huang* to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

In summary, the components of the evaluation of decision alternatives of *Huang* simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. These disclosures of *Huang* also do not disclose, teach, or suggest "an evaluation [sub]system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the project in view of the project methodology" as claimed in claim 24 of the Application. Therefore, claim 24 is patentable, and the rejection of claim 24 under 35 U.S.C. § 102(e) as being anticipated by *Huang* should be withdrawn.

C. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST A "METHODOLOGY BEING INDICATIVE OF AT LEAST ONE REQUIREMENT" AS CLAIMED IN CLAIMS 1, 13, AND 24.

The Examiner refers the Appellant to the process to “determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process” (col. 12, l. 52 to col. 14, l. 3 of *Huang*) to support an argument that *Huang* teaches a “methodology being indicative of at least one requirement” as claimed in claims 1, 13, and 24 of the Application. *Office Action*, p. 4. However, Appellant disagrees with the Examiner for at least the reasons that this reference in *Huang* has no relevance to a methodology as disclosed within the Application and *Huang* focuses solely on quantity (supply volume) and not *quality* as disclosed within the Application and as is required by the claims.

The reference within *Huang* cited above pertains specifically to “Supply Management 83”, which is defined as the “process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process.” *Huang*, col. 13, ll. 45-47. PSI Planning 82 is defined in *Huang* to be “a process to determine a set of feasible sales, production and inventory requirements for medium to long-term capacity and resource planning for the logistics operations.” *Huang*, col. 13, ll. 9-12.

However, neither the Supply Management 83 process nor the PSI Planning process 82 have any relationship to a “methodology” as disclosed and defined within the present Application. As defined within the Application, a “methodology”, at a minimum, (a) governs a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. Although the Supply

Management 83 process in *Huang* discusses the use of “PSI Plans” (*Huang*, col. 13, ll. 9-43, 49, and 58-59), such plans merely discuss “sales, production, and inventory requirements” (*Id.* at col. 13, l. 10) and have no relationship whatsoever to a methodology to govern a project to “ensure” processes are followed to product parts of a particular *quality* to a given set of specifications as claimed in claims 1, 13, and 24 of the Application.

Appellant, at the Examiner’s urging, further clarified a methodology as “being indicative of at least one requirement” within claims 1, 13, and 24 of the Application. Specific support is found for this clarification at paragraph 0154 of the Application, providing a “document deliverable” as a specific example of a requirement of the disclosure of the present Application. No such “requirement” pertaining to a methodology as described above and specifically defined within the Application is disclosed within *Huang*, and certainly not within the Supply Management 83 section within *Huang* as asserted by the Examiner.

In addition to the foregoing, and as referenced above, *Huang* merely focuses on supply chain management pertaining to *quantity* (supply volume) and not *quality* as taught by the present Application. The specific reference within *Huang* cited by the Examiner demonstrates the focus of quantity within *Huang*, namely to the repeated “production (supply)” reference within the *Supply* Management 83 discussion within *Huang*. In summary, *Huang* clearly discloses systems geared towards *quantity* management and has no bearing on the *quality* management systems and methods of the present Application.

D. **HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST THE STEP "TO COMPARE DATA ENTERED BY A USER TO THE AT LEAST ONE METHODOLOGY TO ENSURE THAT CORRECT PROCESS(ES) IS (ARE) FOLLOWED TO ESTABLISH A MANUFACTURING CAPABILITY TO RELIABLY PRODUCE PARTS OF A GIVEN QUALITY TO A GIVEN SET OF SPECIFICATIONS" AS CLAIMED IN CLAIMS 1, 13, AND 24.**

The Examiner refers the Appellant to two (2) references within *Huang* (col. 25, ll. 45-50, and col. 30, ll. 6-23) to support an argument that *Huang* teaches the step "to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications" as claimed in claims 1, 13, and 24 of the Application. *Office Action*, p. 3. Appellant disagrees with the Examiner for at least the reason that the acquisition, analyzation, and selection of forecasts, as disclosed within *Huang*, does not disclose, teach, or suggest the step "to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed" as claimed within claims 1, 13, and 24 of *Huang*.

Although the Examiner cites two (2) specific sections within *Huang* to support her argument, the actual language used by the Examiner in the Office Action is taken verbatim from the first cited section, namely that "[t]he user first acquires forecasts generated using different methods from the Demand Management Frame 130. After analyzing these forecasts and comparing the results, the user then selects the most appropriate one to be used." *Huang*, col. 25, ll. 46-50.

However, the "forecasts" cited within *Huang* relate to "Forecast Data 146", described further as "bottom-up and top-down forecasts." *Huang*, col. 25, l. 36. *Huang* specifically states that the "objective of the Bottom-up forecasting is to develop a customer specific sales forecast

based on historical shipment to the customer, POS information at the customer location, and the customer's own forecast regarding its future orders.” *Huang*, col. 20, ll. 50-55. Similarly, *Huang* states that “[t]he objective of the Top-down forecasting is to develop a product centric sales forecast based on historical demand data and industry analysis that accounts for market-wide trends.” *Huang*, col. 21, ll. 25-29. The common theme between the “bottom-up” and “top-down” forecasting of *Huang* is that both are “sales forecasts” based either on historical shipments to the customer or historical demand data.

As discussed above, *Huang* is generally concerned with *quantity* information and not *quality* information. The aforementioned references within *Huang* mirror this fact, namely by relating to “sales forecasts” and not pertaining in any way to *quality* information. Conversely, the specific language within claims 1, 13, and 24 referred to by the Examiner pertains specifically to the step to “compare data entered by a user *to the at least one methodology to ensure* that correct process(es) is (are) followed to establish a manufacturing capability to *reliably produce parts of a given quality* to a given set of specifications.” (emphasis added). The sales (volume) forecasts referenced by the Examiner have no relevance to the comparison of data to at least one methodology to ensure that quality parts are produced as claimed in claims 1, 13, and 24 of the Application.

The Examiner also refers to col. 30, ll. 6-23 of *Huang* to support her argument that *Huang* discloses the claimed elements of Appellant's invention referenced above. *Office Action*, p. 3. However, the Examiner has failed to show in any way how or why this particular reference in *Huang* has any relevance to the claimed invention at issue. “The examiner bears the initial

burden ... of presenting a prima facie case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

In addition, Appellant submits that the “[t]otal and breakdown of costs, Average inventory level, Average expected stock-outs, Expected Throughput time, and Expected Service level” references in *Huang* (col. 30, ll. 17-19) are the only descriptive details of the “performance metrics” cited within this section, and that these references all pertain to *quantity* (supply/inventory) information and not in any fashion to *quality* information as claimed within claims 1, 13, and 24 of the Application.

E. DEPENDENT CLAIMS 2-9, 14-18, AND 25-29 ARE NOT ANTICIPATED BY HUANG.

1. DEPENDENT CLAIMS 2-9 ARE NOT ANTICIPATED BY HUANG.

Appellant incorporates as if fully set forth herein its arguments and explanation provided above with respect to claim 1. Claims 2-9 depend from and include all the limitations of claim 1, and, as discussed above, claim 1 is patentable over *Huang*. Therefore, it is submitted that claims 2-9 are also allowable, and Appellant submits that the rejection of claims 2-9 as being anticipated by *Huang* should be withdrawn.

2. DEPENDENT CLAIMS 14-18 ARE NOT ANTICIPATED BY HUANG.

Appellant incorporates as if fully set forth herein its arguments and explanation provided above with respect to claim 13. Claims 14-18 depend from and include all the limitations of claim 13, and, as discussed above, claim 13 is patentable over *Huang*. Therefore, it is submitted that claims 14-18 are also allowable, and Appellant submits that the rejection of claims 14-18 as being anticipated by *Huang* should be withdrawn.

3. DEPENDENT CLAIMS 25-29 ARE NOT ANTICIPATED BY HUANG.

Appellant incorporates as if fully set forth herein its arguments and explanation provided above with respect to claim 24. Claims 25-29 depend from and include all the limitations of claim 24, and, as discussed above, claim 24 is patentable over *Huang*. Therefore, it is submitted that claims 25-29 are also allowable, and Appellant submits that the rejection of claims 25-29 as being anticipated by *Huang* should be withdrawn.

III. THE REJECTION OF CLAIM 11 UNDER 35 U.S.C. § 102(E) IS IMPROPER AND SHOULD BE WITHDRAWN.

A. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST THE ELEMENT OF "ONE OF THE AT LEAST ONE OF THE REQUIREMENTS COMPRISES AT LEAST ONE METHODOLOGY, THE AT LEAST ONE METHODOLOGY INCLUDING A DOCUMENT" AS CLAIMED IN CLAIM 11.

The Examiner refers the Appellant to Figs. 54 and 55 of *Huang*, and the resources requirements (Fig. 65) of *Huang*, to support an argument that *Huang* teaches the element of "one of the at least one requirements comprises at least one methodology, the at least one methodology including a document" as claimed in claim 11 of the Application. *Office Action*, p. 6. However, these references only make reference to supply (volume) information and do not disclose, teach, or suggest any requiring comprising a methodology or a methodology including a document as claimed in claim 11.

Fig. 54 of *Huang* is described at col. 104, ll. 16-23:

When the user chooses Save Scenario from the File menu group, the Save Scenario dialog box is presented (see FIG. 54). At the top of the dialog box is an edit box showing the name of the selected scenario the current information should be saved to. If the user wishes to create a new scenario, the name of the scenario is typed into this edit box and the data

will be saved under this new scenario name. [S]scenario names must be unique.

Additionally, Fig. 55 of *Huang* is also only described at col. 104, ll. 37-43:

If the user wishes to load an existing Scenario 78, the Open Scenario menu choice on the File menu is selected (see FIG. 55). Scenarios 78 that were created by other users appear with a RO tag, for read only. These Scenarios 78 may be loaded but cannot be saved. The user may always save these Scenarios 78 to a new scenario, if desired.

The descriptions of Figs. 54 and 55 in *Huang*, as well as Figs. 54 and 55 themselves, do not disclose, teach, or suggest anything relating to "the at least one methodology including a document" as claimed in claim 11 of the Application. Specifically, Fig. 54 shows a "Save Scenario" dialog box and Fig. 55 shows a "Open Scenario" dialog box, each providing the unique name of each scenario and the dates the scenarios were created and updated. Scenarios 78 are defined within *Huang* as being "the vehicle for saving and reloading experimental work." *Huang*, col. 104, ll. 7-8.

The Examiner also references the "resources requirement" of Fig. 65 of *Huang* to support her rejection of this element in claim 11. However, the "RESOURCES REQUIREMENT" tab is not "highlighted" in Fig. 65, but the "PRODUCTION RESOURCES" tab is highlighted, and shows supply (volume) data such as products required ("REQ'D"), "CAPACITY", and "PRODUCTION". Instead, Fig. 69 highlights the "PRODUCTION RESOURCES" tab, showing a selected "RESOURCES" item and providing a "START DATE" with a "RATE/SHIFT" (volume/supply) amount.

As previously shown, a "methodology", according to the Application, (a) governs a project to ensure processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific

quality gates and the deliverables expected at those quality gates. The clarification provided by the Appellant in its most recent response to Office Action included "the at least one methodology including a document", which was further clarified by the Appellant as "being indicative of at least one requirement" within claims 1, 13, and 24 of the Application. Specific support is found for this clarification at paragraph 0154 of the Application, providing a "document deliverable" as a specific example.

The scenarios provided within the "Save Scenario" and "Open Scenario" disclosures of *Huang* (Figs. 54 and 55, respectively), do not disclose, teach, or suggest the element "wherein one of the at least one requirements comprises at least one methodology, the at least one methodology including a document" as claimed in claim 11 of the Application. Similarly, the purely supply/volume oriented information shown in Figs. 65 and 69 of *Huang* do not disclose, teach, or suggest the same claimed reference. No reference to a "methodology" as claimed and defined within the Application is made in these sections of *Huang*. As such, no references to a methodology "including a document" as claimed in claim 11 are disclosed within *Huang*.

B. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST THE ELEMENT OF "THE AT LEAST ONE MEASUREMENT CRITERION COMPRISING A DOCUMENT COMPLETE INDICATOR" AS CLAIMED IN CLAIM 11.

The Examiner refers the Appellant to a number of indicators, namely "Symmetric, 7 segments", "Symmetric, 5 segments", and "Asymmetric, 7 segments" (table 14 of col. 84 and Figs. 31 and 32) to support an argument that *Huang* teaches the element of "the at least one measurement criterion comprising a document compete indicator" as claimed in claim 11 of the Application. *Office Action*, p. 6.

Figs. 31 and 32 of *Huang* are graphical representations of distributions as described within *Huang*. The specific segments within the graphical representations are discussed in table 14 of *Huang* (col. 84, ll. 26-49), providing differing “Remarks” for each “Type” of distribution described. However, none of the “Types” of distributions provided within table 14 or shown within Figs. 31 and 32 show any type of reference to a “document complete indicator” as claimed in claim 11.

An “indicator” is defined within the Application as being “used to compare the goals against the actual values.” *Application*, paragraph 0365. In claim 11, a “document complete indicator” is claimed in the context of “at least one measurement criterion indicative that the *requirement* has been satisfied” (emphasis added), and “wherein one of the at least one requirements comprises a *methodology*” (emphasis added). As discussed herein, *Huang* does not disclose, teach, or suggest a “methodology” as described and claimed within the Application, and because claim 11 claims that “at least one [of the] requirements comprises a methodology,” the claimed element that “at least one measurement criterion comprising a document complete indicator” can not possibly be disclosed, taught, or suggested by *Huang*.

C. HUANG DOES NOT DISCLOSE, TEACH, OR SUGGEST THE ELEMENT OF "THE AT LEAST ONE METHODOLOGY TO ENSURE THAT CORRECT PROCESS(ES) IS (ARE) FOLLOWED TO ESTABLISH A MANUFACTURING CAPABILITY TO RELIABLY PRODUCE PARTS OF A GIVEN QUALITY TO A GIVEN SET OF SPECIFICATIONS" AS CLAIMED IN CLAIM 11.

Appellant incorporates as if fully set forth herein its argument and explanation provided in II.D. above as this particular claim element included within claim 11 is the same claim element included within claims 1, 13, and 24. *Huang* simply does not disclose, teach, or suggest this claim element.

D. THE "SUPPLY MANAGEMENT PROCESS" AND THE "DEMAND MANAGEMENT PROCESS" OF *HUANG* DO NOT DISCLOSE, TEACH, OR SUGGEST THE MONITORING, EVALUATING AND COMPARING OF ENTERED DATA AS CLAIMED IN CLAIM 11.

Huang does not disclose, teach, or suggest all of the claim limitations of Appellant's claim 11. The Examiner directs the Appellant to the following two (2) references in *Huang*: (1) Supply Management process, col. 13, l. 45 to col. 14, l. 4, and (2) Demand Management process, col. 12, l. 51 to col. 13, l. 7. *Office Action*, p. 6. Appellant submits that these references do not disclose, teach, or suggest the elements of "(c) monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record", "(d) evaluating the entered data for relevance to the *at least one requirements* applicable to the project, and if not relevant returning to step (c)" (emphasis added), and "(e) comparing the entered data to the at least one measurement criterion of the relevant *at least one requirement*, and if the entered data does not satisfy the at least one measurement criterion, returning to step (c)" (emphasis added) as claimed in Appellant's claim 11. Neither of these references in *Huang*, nor any other reference within *Huang*, discloses the "at least one requirements applicable to the project" limitation of claim 11, let alone any steps of evaluating or comparing such "at least one requirement."

Rather, the supply management and demand management processes of *Huang* are processes that gather and analyze certain information in order to provide advice for decision makers to use in determining whether or not to produce a product or the amount of product to produce. *Huang*, cols. 12-14. The system of *Huang* also functions to determine the feasibility and the economic viability of changes in certain aspects of the supply chain (*i.e.*, production ability, demand for the product, etc.). *Huang*, col. 13.

In contrast, the "requirements" of Appellant's claim 11 pertain to the requirements that make up the methodologies of the system. In the system of claim 11, in order for one methodology to be completed, the requirements of the methodology must be met. Unlike the system disclosed in *Huang*, the requirements of the system of claim 11 do not involve analysis of information and/or forecasting for present or future demand. Rather, the claimed requirements of claim 11 include, for example, complying with industry standards and any special conditions specified by the customer that is to be supplied by the end product. Moreover, the claimed requirements of claim 11 must be met to comply with the broader defined methodology. For the above foregoing reasons, Appellant submits that *Huang* does not disclose "(a) creating and storing ... *at least one requirement* applicable to at least one of the at least one projects of the supply chain ... (d) evaluating the entered data for relevance to the *at least one requirements* applicable to the project ... ; and (e) comparing the entered data to the at least one measurement criterion of the relevant *at least one requirement*," (emphasis added) as claimed in Appellant's claim 11.

In summary, the components of the evaluation of decision alternatives of *Huang* simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention, or of "at least one requirement" of the project. Thus, *Huang* cannot be construed to evaluate or compare such data. Accordingly, these disclosures of *Huang* also do not disclose, teach, or suggest the "at least one requirement" as claimed in claim 11 of the Application. Thus, claim 11 is patentable, and the rejection of claim 11 under 35 U.S.C. § 102(e) as being anticipated by *Huang* should be withdrawn.

IV. HUANG DOES NOT SUFFICE AS PRIOR ART UNDER 35 U.S.C. § 102(E).

As discussed in detail herein, *Huang* does not suffice as a 35 U.S.C. § 102(e) prior art bar to patentability of claims 1-9, 13-18, and 24-29 of the Application. A prior art patent, publication, or event is for the same "invention," as that word is used in 35 U.S.C. § 102, and therefore anticipating, if the prior art patent, publication or event discloses each and every limitation found in the claims, either expressly or inherently. *Rockwell Intern. Corp. v. U.S.*, 147 F.3d 1358, 1363 (Fed. Cir. 1998); *Electro Med Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "[A] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131.01. Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on 35 U.S.C. § 102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983).

Huang does not disclose, teach, or suggest "each and every limitation found in the claims" of the Application, specifically because *Huang* does not disclose, teach, or suggest a "methodology" or the monitoring, evaluating, and copying of representative data of the claimed invention. In addition, and even if viewed as "insubstantial," The omission of a "methodology" from *Huang* is sufficient to overcome the rejection based on 35 U.S.C. § 102. Accordingly, the Examiner's rejections of claims 1, 11, 13, and 24 under 35 U.S.C. § 102(e) as being anticipated by *Huang* are overcome and should be withdrawn as *Huang* does not suffice as anticipatory prior art under 35 U.S.C. § 102(e).

Moreover, claims 2-9 depend from and include all the limitations of claim 1, claims 14-18 depend from and include all the limitations of claim 13, and claims 25-29 depend from and

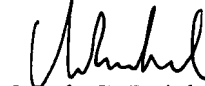
include all the limitations of claim 24. As discussed above, claims 1, 11, 13, and 24 are patentable over *Huang* because *Huang* does not suffice as a prior art bar to patentability of the Application. Therefore, claims 2-9, 14-18, and 25-29 are also allowable, and the rejections of claims 2-9, 14-18, and 25-29 as being anticipated by *Huang* should be withdrawn.

V. CONCLUSION

In summary, and as described above, *Huang* does not disclose many of the claimed elements of the present Application. In addition, *Huang* does not suffice as 35 U.S.C. § 102(e) prior art as *Huang* does not disclose, teach, or suggest each and every limitation found in the pending claims of the Application. Therefore, Appellant respectfully requests that the rejection of claims 1-9, 11, 13-18, and 24-29 be reversed and that claims 1-9, 11, 13-18, and 24-29 be allowed as patentable subject matter.

Respectfully submitted,

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MCR/

Enclosures: Transmittal Form

Copy of Office Action dated December 12, 2006

1.10 Certificate

Check in the amount of \$500.00

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VI. CLAIMS APPENDIX

1. (Previously presented) A system for management of at least one project, each of the at least one projects comprising a part, a supplier that is to supply the part, a customer that is to be supplied the part, at least one methodology applicable to the project, such methodology being indicative of at least one requirement, and at least one control associated with processing of the project, the system comprising: means for processing project data to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications; and means for storing and retrieving the project data, the project data storing and retrieving means operably connected to the processing means, and the project data comprising, for each of the at least one projects, a project identifier to identify the project, a project part identifier to identify the part of the project, a project supplier identifier to identify the supplier of the project, a project customer identifier to identify the customer of the project, data representative of the at least one methodology of the project, and data representative of the at least one control of the project.

2. (Original) The system of claim 1, wherein the project data storing and retrieving means comprises memory.

3. (Original) The system of claim 1, wherein the project data storing and retrieving means comprises a data storage device.

4. (Original) The system of claim 1, further comprising: a user system operably connected to the processing means, such that a user operating the user system is able to selectively retrieve project data stored on the project data storing and retrieving means.

5. (Original) The system of claim 4, wherein the connection between the processing means the user system comprises a network.

6. (Original) The system of claim 5, wherein the network comprises a global computer network.

7. (Original) The system of claim 6, wherein the global computer network comprises the Internet.

8. (Original) The system of claim 1, wherein the system is further capable of management of at least one sub-project, each of the at least one sub-projects comprising a part, a supplier that is to supply the part, and a customer that is to be supplied the part, the part of one of the at least one sub-projects comprising a sub-part of the part of one of the at least one projects, the project data further comprising, for each of the at least one sub-projects, a sub-project identifier to identify the sub-project, a sub-project supplier identifier to identify the supplier of the sub-project, and a sub-project customer identifier to identify the customer of the sub-project.

9. (Original) The system of claim 1, wherein the project part comprises a family of parts, and wherein the project part identifier includes a descriptive field to distinguish among the family of parts.

10. (Previously canceled).

11. (Previously presented) A method of supply chain management, the supply chain comprising at least one project, each of the at least one projects including a part, a supplier that is to supply the part, and a customer that is to be supplied the part, the method of comprising the steps of: (a) creating and storing, in a computerized system, at least one requirement applicable to at least one of the at least one projects of the supply chain, wherein one of the at least one

requirements comprises at least one methodology, the at least one methodology including a document and, for each of the at least one requirements, at least one measurement criterion indicative that the requirement has been satisfied, the at least one measurement criterion comprising a document complete indicator; (b) creating and storing, in the computerized system, a project record representative of one of the at least one projects of the supply chain, the project record including a project identifier, a part identifier to identify the project part, a supplier identifier to identify the project supplier, customer, identifier to identifier the customer, and an indicator of which of the at least one requirements is applicable to the project; (c) monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record; (d) evaluating the entered data to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications for relevance to the at least one requirements applicable to the project, and, if not relevant returning to step (c); and (e) comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and, if the entered data does not satisfy the at least one measurement criterion, returning to step (c); wherein that in steps (d) and (e) the entered data is compared to the document and the document is checked for completeness to satisfy the document complete indicator.

12. (Previously canceled).

13. (Previously presented) A supply chain management system, the supply chain including at least one project, a supplier to supply the part, and a customer to be supplied the part, the system comprising: a first database comprising data representative of at least one

methodology applicable to the project, such methodology being indicative of at least one requirement; a second database comprising a project record for each of the at least one projects, each project record comprising a project identifier, a part identifier, a supplier identifier, and a customer identifier to identify the project, the project part, the project supplier, and the project customer, respectively, and each project record further including an indicator indicating which of the at least one methodologies is (are) applicable to the project; and means for controlling the progress of the at least one project, the controlling means operably connected to the first database and the second database, the controlling means using the indicated methodology(ies) of the project for such control to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications.

14. (Original) The system of claim 13, further comprising: collaborating means for data entry and retrieval by a team member of each of the project suppliers and a team member of each of the project customers represented in the second database.

15. (Original) The system of claim 14, further comprising: means for establishing at least one task for at least one project, where such task is to be completed by a team member of the project supplier or the project customer.

16. (Original) The system of claim 14, further comprising: means for generating at least one notification related to the at least one task, the notification made available to a team member of the project supplier or project supplier who is to complete the task.

17. (Original) The system of claim 13, further comprising: a bulletin board for exchange of information between a team member of the project supplier and a team member of the project customer of at least one of the at least one project.

18. (Original) The system of 13, further comprising: means for setting up at least one meeting between a team member of the project supplier and a team member of the project customer of at least one of the at least one projects.

19-23. (Previously canceled).

24. (Previously presented) A supply chain management system, comprising: processing means; data storage and retrieval means operable connected to the processing means, the data storage and retrieval means including a project record representative of a project of the supply chain, the project comprising a project part, a project supplier of the part, and a project customer of the part, the project record including a project identifier identifying the project, a project part identifier identifying the part, a project supplier identifier identifying the project supplier, a project customer identifier identifying the project customers, and data representative of a methodology imposed on the project, such methodology being indicative of at least one requirement, and a sub-project record representative of a sub-project to the project, the sub-project comprising a sub-part which is a sub-part of the project part, sub-project supplier to supply the sub-part, and a sub-project customer to be supplied the sub-part, the sub-project customer the same as the project supplier, the sub-project record including a sub-project identifier identifying the sub-project, a sub-project supplier identifier identifying the sub-project supplier, a sub-project customer identifier identifying the sub-project customer, and data representative of methodology imposed on the sub-project; and an evaluation subsystem

operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology, the processing means to compare data entered by a user to the methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications.

25. (Original) The system of claim 24, further comprising: a reporting subsystem operable by the processing means for reporting the evaluation of the project and subproject as determined by the evaluation subsystem.

26. (Original) The system of claim 24, wherein the project methodology includes at least one document to be completed, and wherein the evaluation subsystem measures the extent to which the document is complete.

27. (Original) The system of claim 24, wherein the project methodology includes a first risk factor, and wherein the evaluation subsystem measures the risk of the project based on the first risk factor.

28. (Original) The system of claim 27, wherein the sub-project methodology includes a second risk factor, and wherein the evaluation subsystem measures the risk of the sub-project based on the second risk factor.

29. (Original) The system of claim 24, further comprising: a user system operably connected to the processing means, such that a user operating the user system is able to obtain the evaluations made by the evaluation subsystem.

VII. EVIDENCE APPENDIX

U.S. Patent No. 5,953,707 to Huang et al.

Office Action dated December 12, 2006 (copy attached).

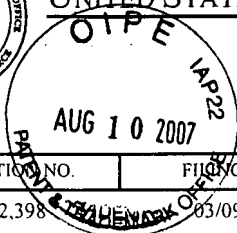
U.S. Patent Application Publication No. US2002/0052862 A1 to Scott et al.

VIII. RELATED PROCEEDINGS APPENDIX

None.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,398	03/09/2001	Steve Toren Scott	P00509-US-1 (04690.0007)	7547

7590

12/12/2006

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PARDO, THUY N

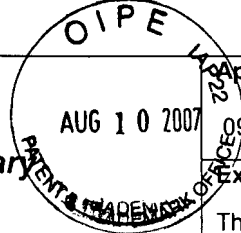
ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

09/802,398

Applicant(s)

SCOTT ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-18 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-18 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16, 2006 has been entered.
2. This Office Action is responsive to the Applicant's Amendment filed on October 16, 2006. Claims 1-9, 11, 13-18 and 24-29 are currently pending in this application. Claims 1, 11, 13 and 24 are independent claims, claims 10, 12, 19-23 were canceled, and claims 1, 11, 13 and 24 were amended. This Office Action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9, 11, 13-18 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (Hereinafter "Huang") US Patent No. 5,953,707.

As to claim 1, Huang teaches the invention substantially as claimed, comprising:

means for processing project data [policy and target, 262 of fig. 24; 20 of fig. 7] to compare data entered by a user to at least one methodology to ensure that correct process is followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specification [The user first acquires forecasts generated using different methods from the Demand Management Frame 130. After analyzing these forecasts and comparing the results, the user then selects the most appropriate one to be used., col. 25, lines 45-50; col. 30, lines 6-23];

means for storing and retrieving project data[DSS database of fig. 7], the project data storing and retrieving means operably connected to the processing means [product info, fig. 38, 60, 61, 64], and the project data comprising, for each of the at least one projects, a project identifier to identify the project [APPHeaderID, Appendix A, col. 111-112; product ID, fig. 53, 56], a project part identifier to identify the part of the project [fig. 70], a project supplier identifier to identify the supplier of the project [SupplyOrderID, Appendix A, col. 111-112], a project customer identifier to identify to customer of the project [CustomerID, fig. 48, 56-58],

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data representative of the at least one methodology of the project [aggregate Production Plan, col. 113-114], and data representative of the at least one control of the project [D for day; W for week...etc, col. 113-114].

Huang further teaches a methodology being indicative of at least one requirement [determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process, col. 12, lines 52 to col. 14, lines 3].

As to claim 13, Huang teaches the invention substantially as claimed as specified in claim 1 above. Huang further teaches a first database comprising data representative of at least one methodology applicable to the project [DSS frame decisions from systems integrator, fig. 37]; a second database comprising a project record for each of the at least one projects [production node, fig. 38; customer info product req, fig. 38; col. 92, lines 27 to col. 93, lines 61]; and means for controlling the progress of the at least one project, the controlling means operably connected to the first database and the second database, the controlling means using the indicated methodology(ies) of the project for such control [see supply chain network configurator, fig. 38; col. 92, lines 27 to col. 93, lines 61].

As to claim 2, Huang teaches the invention substantially as claimed. Huang further teaches that the project data storing and retrieving means comprises memory [inherent in the database system].

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As to claim 3, Huang teaches the invention substantially as claimed. Huang further teaches a storage device [col. 100, lines 20-23].

As to claim 4, Huang teaches the invention substantially as claimed. Huang further teaches that the user operating system is able to selectively retrieve project data stored on the project data storing and retrieving means [col. 97, lines 31 to col. 99, lines 37].

As to claim 5, Huang teaches the invention substantially as claimed. Huang further teaches that the connection between the processing means the user system comprises a network [fig. 38].

As to claim 6, Huang teaches the invention substantially as claimed. Huang further teaches that the network comprises a global computer network [Global performance, col. 2, lines 35-38; col. 94, lines 36-50].

As to claim 7, Huang teaches the invention substantially as claimed. Huang further teaches that the global computer network comprises the Internet [col. 101, lines 7-8].

As to claim 8, Huang teaches the invention substantially as claimed. Huang further teaches that the system is capable of management of at least one sub-project [col. 197-198].

As to claim 9, Huang teaches the invention substantially as claimed. Huang further teaches that the project part comprises a family of parts, and the project part identifier includes a descriptive field to distinguish among the family of parts [col. 197-198].

As to claim 11, Huang teaches the invention substantially as claimed as specified in claims 1 and 13 above. Huang further teaches monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record [col. 149-150]; evaluating the entered data for relevance to the at least one requirements applicable to the project, and, if not relevant returning to step (c) [col. 13, lines 45 to col. 14, lines 4]; and comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and, if the entered data does not satisfy the at least one measurement criterion, returning to step (c) [col. 12, lines 51 to col. 13, lines 7]. Huang further teaches that at least one methodology including a document [fig. 54, 55; resources requirements, fig. 65], and at least one measurement criterion comprising a document complete indicator [indicators: “Symmetric, 7 segments” remarks for “enables to reach reasonable level”, “Symmetric, 5 segments” remarks for “less accurate”, and “Asymmetric, 7 segments” remarks for “reaches good levels for the highest cumulative values”, see table 14 of col. 84; fig. 31, 32].

As to claim 24, Huang teaches the invention substantially as claimed above. Huang further teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

As to claim 25, Huang teaches the invention substantially as claimed. Huang further teaches a reporting subsystem operable by processing means for reporting the evaluation of the project and subproject as determined by the evaluation subsystem [col. 34, lines 46 to col. 35, lines 3].

As to claims 27-28, Huang teaches the invention substantially as claimed, with the exception that the evaluation subsystem measures the risk of the sub-project based on the risk factors. However, this feature is inherent in the system in order to evaluate the project [col. 34, lines 46 to col. 35, lines 3].

As to claims 14-18, 26 and 29, all limitations of these claims are rejected in the analysis above, and these claims are rejected on that basis.

Response to Arguments

4. Applicant argues that the Huang's modeling processes are decision making aids that help in forecasting and planning and are not methodologies that control the completion of a project.

As to this point, Examiner respectfully disagrees. Firstly, the term "methodology of the project" in the claimed invention is only an abstract idea and it does not constitute a statutory process in which the statutory process must result in a physical transformation. Secondly, Examiner also believes that Huang teaches this feature. Huang teaches a methodology that how

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to control a supply and demand reconciliation process, a capacity planning process, a vendor managed replenishment process, and a scenario management process of a supply chain [ab].

Applicant argues that Huang does not teach creating and storing at least one requirement applicable to at least one of the at least one projects of the supply chain.

As to this point, examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3].

Applicant argues that Huang does not teach a “methodology” as claimed in claims 1, 13 and 24.

Examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3]. Furthermore, Huang also teaches providing analytical decision methods (or models) based on “What-if scenario test” [see fig. 41; col. 61, lines 8-44].

Applicant argues that Huang does not teach an “evaluation system” as specified in claim 24.

Examiner respectfully disagrees. Examiner believes that Huang teaches this feature. Huang teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

Applicant's arguments have been fully considered but they are not persuasive.

Conclusion

5. This is a RCE of applicant's earlier Application No. 09/802,398. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

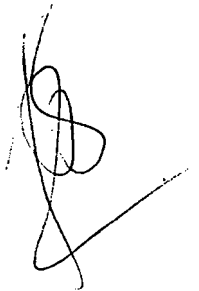
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 09, 2006

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', written over a faint, circular stamp or watermark.

THUY N. PARDO
PRIMARY EXAMINER

Notice of References Cited

AUG 10 2007

Application/Control No.

09/802,398

Applicant(s)/Patent Under
Reexamination
SCOTT ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,953,707	09-1999	Huang et al.	705/10
*	B	US-6,151,582	11-2000	Huang et al.	705/8
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.